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NOTICE OF ALLOWANCE AND FEE(S) DUE

36394

7590

.05/24/2004

CHRISTIE, PARKER & HALE, LLP 350 W. COLORADO BLVD. SUITE 500 PASADENA, CA 91105 EXAMINER

WONG, ERIC K

ART UNIT PAPER NUMBER

2874

DATE MAILED: 05/24/2004

APPLICATION NO. FILING DATE		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. CONFIRMATION NO	
•	10/037 146	12/21/2001	Oskar I Painter	COCIAND	5613

TITLE OF INVENTION: RESONANT OPTICAL MODULATORS

APPLN. TYPE SMALL ENTITY		ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	08/24/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.
- Applicant claims SMALL ENTITY status.
 See 37 CFR 1.27.
- II. PART B FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSU FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

or Fax

(703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FFE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where

appropriate. All further con indicated unless corrected maintenance fee notification	rrespondence including the F below or directed otherwise ns.	Patent, advance or in Block 1, by (a	ders and notificati) specifying a new	on of maintenance fees v correspondence addres	will be mailed to the current ss; and/or (b) indicating a sep-	correspondence address as arate "FEE ADDRESS" for
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	590 05/24/2004			have its own certific	ate of mailing or transmission.	
•	KER & HALE, LLP			I hamahu aantifu that	Certificate of Mailing or Trans	smission
350 W. COLORAI	DO BLVD.			States Postal Service	this Fee(s) Transmittal is bein e with sufficient postage for fil lail Stop ISSUE FEE address	st class mail in an envelope
SUITE 500 PASADENA, CA	01105			addressed to the M transmitted to the Us	SPTO, on the date indicated be	above, or being facsimile
FASADENA, CA	91103					(Depositor's name)
						(Signature)
						(Date)
APPLICATION NO.	FILING DATE	, 1	FIRST NAMED INV	ENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,146	12/21/2001		Oskar J. Pain	ter	CQC13NP	5613
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					. ,	DATE DUE
nonprovisional	YES	\$665		\$300	\$965	08/24/2004
EXAM	IINER	ART UN	IT	CLASS-SUBCLASS		
WONG,	ERIC K	2874		385-027000		
1. Change of correspondenc CFR 1.363).	e address or indication of "Fe	ee Address" (37	names of up	on the patent front pag to 3 registered patent	attorneys or 1	
Address form PTO/SB/1	•	-	firm (having a	ernatively, (2) the nam s a member a registere names of up to 2 regi	d attorney or 2	
	on (or "Fee Address" Indicat or more recent) attached. Use			ents. If no name is lis		
3. ASSIGNEE NAME AND	RESIDENCE DATA TO B	E PRINTED ON T	THE PATENT (pri	nt or type)		
PLEASE NOTE: Unless been previously submitte (A) NAME OF ASSIGN	ed to the USPTO or is being s	ubmitted under se	parate cover. Comp	the patent. Inclusion of pletion of this form is No CITY and STATE OR C	'assignee data is only appropri OT a substitute for filing an ass OUNTRY)	ate when an assignment has signment.
	e assignee category or categor	ries (will not be pr	inted on the patent); ☐ individual ☐	corporation or other private g	roup entity 🚨 government
4a. The following fee(s) are	enclosed:	4b	. Payment of Fee(s	•		
☐ Issue Fee				amount of the fee(s) is e		
☐ Publication Fee				edit card. Form PTO-203		
☐ Advance Order - # of	Copies		☐ The Director i Deposit Account	s hereby authorized by Number	charge the required fee(s), or (enclose an extra of	credit any overpayment, to copy of this form).
Director for Patents is reque	sted to apply the Issue Fee ar	nd Publication Fee	(if any) or to re-ap	pply any previously paid	issue fee to the application ide	entified above.
(Authorized Signature)		(Date)				
NOTE: The Issue Fee an	d Publication Fee (if require	ed) will not be ac	cented from anyon	ne		

other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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10/037,146		12/21/2001	Oskar J. Painter	CQC13NP	5613	
36394	7590	05/24/2004		EXAM	NER	
CHRISTIE, PARKER & HALE, LLP				WONG, ERIC K		
350 W. COLORADO BLVD. SUITE 500			ART UNIT	PAPER NUMBER		
PASADENA,	, CA 91105			2874		
				DATE MAILED: 05/24/2004		

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 250 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 250 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

	Application No.	Applicant(s)				
	10/037,146	PAINTER ET AL.				
Notice of Allowability	Examiner	Art Unit				
	Eric Wong	2874				
The MAILING DATE of this communication appear All claims being allowable, PROSECUTION ON THE MERITS IS (herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGOT (1997) of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this a or other appropriate communicati GHTS. This application is subject	application. If not included on will be mailed in due course. THIS				
1. This communication is responsive to <u>RCE filed 1/23/04</u> .						
2. The allowed claim(s) is/are 1-83.						
3. The drawings filed on 12 21 are accepted by the Examiner						
4.						
 Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08 Paper No./Mail Date 6/2 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 	6. ☐ Interview Summa Paper No./Mail D 8), 7. ☐ Examiner's Amen	ate				

Application/Control Number: 10/037,146

Art Unit: 2874

DETAILED ACTION

Page 2

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been

timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 1/23/04 has been entered.

referred to therein has not been considered.

Information Disclosure Statement

2. References A-F (noted in IDS) in the information disclosure statement filed 1/23/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance: The prior art made of record discloses optical modulators with ring resonators and power modulation by coupling said resonator to a waveguide, but fails to explicitly disclose or reasonably suggest an optical modulator with a circumferential-mode resonator transversely coupled to an optical waveguide, a modulator component transversely coupled to said resonator and a method of performing modulation with said modulator. Therefore claims 1-83 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Wong whose telephone number is 571-272-2363. The examiner can normally be reached on Monday through Friday, 830AM - 430PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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EW

John D. Lee imary Examiner